



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Bureau of Competition  
Health Care Division

December 8, 2020  
The Honorable Denise Cote  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1910  
New York, NY 10007

**MEMO ENDORSED**

**Re: *FTC, et al. v. Vyera Pharmaceuticals, LLC, et al.*, 1:20-cv-00706 (DLC)**

Dear Judge Cote:

Plaintiffs respectfully request permission to file under seal Plaintiffs' letter, and attached exhibit, responding to Defendants' request to seek additional foreign discovery. The redacted portions of Plaintiffs' letter contain information that the Court previously sealed by its December 4 order to seal portions of Defendants' letter. *See ECF 329.* The exhibit attached to Plaintiffs' letter is a document produced by Vyera that has been designated confidential under the Stipulated Protective Order, *see ECF 92.* Pursuant to the Court's September 16 and September 17 orders (ECF 261 & 266), the FTC asked Defendants whether we should seek to file the exhibit under seal, and if so, to include proposed findings to justify any sealing.

Vyera's responded that:

"The document . . . contains correspondence among board members (or prospective board members) about 'commercial or business information that is commercially sensitive.' As such, this document falls within the definition of 'Confidential Material,' as that term is defined in the Stipulated Protective Order. To the extent that this document is filed with the Court, we ask that you please do so under seal."

For the same reasons, Plaintiffs also request permission to seal portions of the letter describing the content of this document.

In accordance with Rule 7.B of Your Honor's Individual Practices in Civil Cases and with the requirements for electronically filing under seal, Plaintiffs will publicly file our letter with the proposed redactions and a slip sheet noting that Exhibit A is filed under seal. On a separate docket entry, Plaintiffs will file under seal the letter and exhibit with the proposed redactions highlighted.

Sincerely,

/s/ *Markus H. Meier*  
Markus H. Meier  
Assistant Director

Granted.

12.9.2020

*Denise Cote*  
DENISE COTE  
United States District Judge